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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

TONER et al.

Serial No.: 09/425,289

Filed: October 25, 1999

For: EMBOLUS THERAPY USING INSOLUBLE MICROPARTICLES
OR VESICLES CONTAINING CONTRAST AGENTS



: Group Art Unit: 1619
: Examiner: M. Hartley

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RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This is in response to the Official Action of November 2, 2000, in connection with the above-identified application.

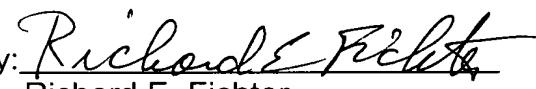
The Official Action urges that there are five separate and distinct inventions set forth in the claims. Applicants elect, without traverse, to prosecute the Group I invention drawn to a method of embolus therapy comprising administering particles and detecting the localization thereof by a diagnostic imaging technique. The elected invention includes claims 1-7.

In addition to this election, it is noted in the Official Action that the application contains claims directed to patentably distinct species and Applicants elect the species designated as 1 including various particle forming materials which includes a non-radioactive diagnostic effective material including metal oxides, insoluble metal salts, inert metals, glass, ceramic particles and the like.

In view of the election of the Group I invention and species 1 as set forth in the Official Action, an early and favorable action on the merits of the elected invention is now in order and is most respectfully requested. Consideration should be given to the information made of record in the Information Disclosure Statement with references filed on August 1, 2000, and the Preliminary Amendment filed with the application.

In addition, acknowledgment of the claim for priority and receipt of the priority documents is also most respectfully requested as the priority documents were filed on August 11, 2000.

Respectfully submitted,
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December 4, 2000